

As the only Republican member of both the Armed Services and Foreign Relations Committees, I have had the opportunity these past few weeks to hear from the senior military officers who advised President Biden: General Milley, Secretary Austin, and General McKenzie. Their message to the President was clear: a withdrawal on a date certain, without conditions, would lead to the fall of Afghanistan to the Taliban.

Despite receiving the best military advice in the world, President Biden decided to use his own judgment, and he made the wrong decision. His directive to withdraw on a date certain, without regard for the conditions on the ground, needlessly put American soldiers in harm's way and forced our military to undertake an assignment which they simply could not totally complete.

Our military simply ran out of time. They could not get all of our Americans out, and they could not get all of our Afghan allies out, including Brandy's interpreter.

But it didn't have to end this way. Our military leaders offered the President the correct path forward. Their Commander in Chief failed them.

Lately, the President has blamed a lot of people for his failure. This includes the Afghan security forces and his own generals, who he falsely claimed advised him to make this decision. But this does not fall on any of them.

President Biden owns this debacle, and history will not judge him kindly. Because of his error, al-Qaida now has a breeding ground. America is less safe. The world is less safe.

I will close with a message for our veterans. While I was Governor, I attended 31 funerals in South Dakota for South Dakotans who died fighting the War on Terror. We will not forget their sacrifice nor their family's loss.

While freedom may not endure in Afghanistan today, for 20 years, you—you veterans—you protected our Nation and kept the fight away from our doorstep. Your service was not in vain. Your sacrifice made a difference. You represent the best of our country, and your Nation is grateful.

Please always remember it is not the politician who protects our right to vote; it is not the journalist who protects our freedom of speech; and it is not the preacher who protects our freedom of religion. All of our freedoms are defended and protected, generation after generation, by the men and women who put on the uniform of the United States of America.

We are grateful to you for your sacrifice and your service. May God continue to bless all of you veterans, and may the Good Lord continue to bless these United States of America.

Thank you.

I yield the floor.

NOMINATION OF SARAH A. L. MERRIAM

Mr. DURBIN. Madam President, today, the Senate will consider Sarah

Merriam's nomination to be a United States District Judge for the District of Connecticut. I support the nomination of this highly qualified jurist.

As a U.S. magistrate judge for over 6 years, Judge Merriam has presided over hundreds of matters, including a number of trials that proceeded to final judgment. She has proven herself to be evenhanded, impartial, and mindful of the limited role that judges play in our system of justice.

Judge Merriam also has extensive experience litigating in Federal court—both in private practice and as an assistant Federal defender for nearly 8 years.

Letters of support the Judiciary Committee received for Judge Merriam's nomination underscore the widespread respect she has earned for her skill, qualifications, temperament, and fidelity to the rule of law. The letters came from both Democrats and Republicans and from prosecutors and defense attorneys.

Two Republican attorneys who practice law in Connecticut—Ross Garber, who has worked for numerous Republican officials, and Stanley Twardy, Jr., who served as U.S. Attorney in Connecticut under President Reagan—wrote: "We are former advisors and appointees of Republican officials and have been involved in the selection and vetting of judges. Today we write in unqualified support of the nomination of Magistrate Judge Sarah Merriam to serve as a judge on the United States District Court for the District of Connecticut."

They added, "As a magistrate judge, Judge Merriam has been a significant and valuable part of the life of the District Court in Connecticut. As a United States District Judge she will be a rare asset to the District and the judiciary as a whole."

The Judiciary Committee also received a letter from 26 former Federal prosecutors who served in the District of Connecticut. Among them are three former U.S. Attorneys.

These former prosecutors praised Judge Merriam as a "highly qualified and competent jurist" who "applies the law fairly and properly without regard to personal preference."

They concluded with their assurance that Judge Merriam "will serve with distinction and honor" in the District of Connecticut.

Judge Merriam was unanimously rated "Well Qualified" by the American Bar Association.

She has the strong support of her home State Senators—Senators BLUMENTHAL and MURPHY—and she received bipartisan support in the Judiciary Committee, with Senators TILLIS and GRAHAM joining the Democratic members in supporting her nomination.

I urge my colleagues to join me voting in support of Judge Merriam's nomination.

VOTE ON MERRIAM NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will

the Senate advise and consent to the Merriam nomination?

Mr. TESTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 409 Ex.]

YEAS—54

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Tillis
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warnock
Gillibrand	Murray	Warren
Graham	Ossoff	Whitehouse
Hassan	Padilla	Wyden

NAYS—46

Barrasso	Grassley	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rounds
Boozman	Hoeven	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Paul	
Fischer	Portman	

The nomination was confirmed.

The PRESIDING OFFICER (Ms. BALDWIN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The senior Senator from New Mexico.

Mr. HEINRICH. Madam President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 3:25 p.m., recessed subject to the call of the Chair and reassembled at 12:07 a.m. when called to order by the Presiding Officer (Mr. PADILLA).

LEGISLATIVE SESSION—Continued

Mr. SCHUMER. Mr. President, good morning.

The PRESIDING OFFICER. The majority leader. Good morning.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the cloture vote on the motion to concur in the House amendment to S. 1301, occur on Thursday, October 7, at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we have been negotiating all afternoon and all night, just until recently. We are making good progress. We are not there yet, but I hope we can come to an agreement tomorrow morning.

MORNING BUSINESS

VOTE EXPLANATION

Mr. HAWLEY. Mr. President, had there been a recorded vote, I would have voted no on the confirmations of Executive Calendar Nos. 392–399, Jessica D. Aber, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years; Carla B. Freedman, of New York, to be United States Attorney for the Northern District of New York for the term of four years; William J. Ihlenfeld II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years; Christopher R. Kavanaugh, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years; Darcie N. McElwee, of Maine, to be United States Attorney for the District of Maine for the term of four years; Breon S. Peace, of New Jersey, to be United States Attorney for the Eastern District of New York for the term of four years; William S. Thompson, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years; and Damian Williams, of New York, to be United States Attorney for the Southern District of New York for the term of four years, vice Preet Bharara.

RECOGNIZING U.S. ARMY INTELLIGENCE CENTER OF EXCELLENCE AND FORT HUACHUCA

Ms. SINEMA. Mr. President, Senator MARK KELLY and I have the distinct privilege of honoring the outstanding men and women of the U.S. Army Intelligence Center of Excellence at Fort Huachuca, AZ. On October 6, 2021, MG Anthony G. Hale, Commanding General of the U.S. Army Intelligence Center of

Excellence and Fort Huachuca, will officially recognize the 50-year anniversary of Fort Huachuca as the “Home of Military Intelligence.” This is a momentous occasion, and we congratulate all members of the Fort Huachuca community on their invaluable achievements.

Military intelligence has been critical to successful combat operations since the U.S. Army’s inception in 1775. Tragic events in our Nation’s 246-year history have continually underscored the importance of properly trained intelligence professionals, not only for combat operations, but in times of peace as well. The U.S. Army’s first centralized peacetime intelligence school was established at Fort Holabird, MD, in 1955, but moved to Fort Huachuca in 1971 to better meet intelligence requirements. Fort Huachuca subsequently received the moniker of “Home of Military Intelligence.”

Over the next 50 years, the U.S. Army Intelligence Center and School would absorb several other intelligence training centers until it had responsibility for all military intelligence training. This includes initial military training and professional military education for all ranks and intelligence specialties, for both Active and Reserve components, civilians, and foreign students from allied countries.

The Commanding General serves as the proponent for the Military Intelligence Branch and Chief of the Military Intelligence Corps and is responsible for recruitment, accession, and retention of the Army’s entire military intelligence force, while developing concepts, doctrine, organizational designs, and materiel solutions. The Intelligence Center and School have gradually morphed into today’s U.S. Army Intelligence Center of Excellence, notably becoming the place where military intelligence professionals are symbolically bound together as one unified organization. It continues to be, now more than ever, the home of military intelligence.

As the Army prepares for future contingencies, the work of the U.S. Army Intelligence Center of Excellence is paramount. The center’s military and civilian personnel work tirelessly to shape the future of Army intelligence while ensuring intelligence professionals are trained and equipped to protect our Nation. Fort Huachuca is postured to combat our adversaries in the domains of spectrum and space and continues to provide key contributions to the defense of the Nation.

Senator KELLY and I are immensely proud of the men and women at the U.S. Army Intelligence Center of Excellence at Fort Huachuca. They deserve our deepest gratitude for the contributions they have made to the U.S. Army and our Nation over the past 50 years. I know we both look forward to seeing what they accomplish over the next half-century.

Again, congratulations on this proud occasion.

NIOBRARA COUNTY COURTHOUSE CENTENNIAL CELEBRATION

Mr. BARRASSO. Mr. President, I rise today in recognition of the centennial celebration for the Niobrara County Courthouse in Lusk, WY.

Niobrara County residents are blessed to live in this special place. Located on the plains and rolling hills of eastern Wyoming, the county is a gateway to the Black Hills and Central Wyoming. Its 2,400 residents center around the communities of Lusk, Manville, and Van Tassell. The county was created from eastern Converse County in 1911, and Lusk was chosen as the county seat when Niobrara County was organized in 1913. The name of the county comes from the Niobrara River, which begins its journey east of Lusk.

Niobrara County’s story is a collection of the determined and persevering people that have called this place home for the past century. Its establishment was given a physical monument when the courthouse was built in 1920. The land on which the courthouse sits was originally donated by early rancher Frank Lusk, as a site to build the new town which bears his name. County business was first conducted in the Odd Fellows Hall, followed by the Harmony Lodge. A fire in 1919 destroyed the lodge, but not the records kept in a steel vault. Operations were moved to the basement of the First National Bank of Lusk until a new courthouse was completed. A white schoolhouse was built at the corner of 5th and Elm, believed to be the first in Lusk. When the courthouse was planned for this location, the schoolhouse was split up and moved to another block.

The economy of the new county experienced an unexpected boom when oil was discovered in what became the Lance Creek Field. The increase in taxable goods prompted the county commissioners to propose a bond election to fund the construction of a courthouse. On election day, November 6, 1918, voters approved a \$60,000 bond issue by only 29 votes. The commissioners chose architect George E. McDonald, designer of courthouses in Kansas, Missouri, and Nebraska, to design the new building. The contracting bid was awarded to D.W. Woods. The building came in \$22,000 over budget, and the commissioners again proposed a bond election for another \$40,000. The vote passed by 30 votes this time.

The building was finished in the winter and occupied in February 1920. It was the only courthouse in Wyoming with a bronze statue of Justice placed on top of the courthouse dome. However, the statue only stayed there for 10 years. Strong Wyoming winds caused the statue to constantly vibrate and shift, which damaged the roof. In 1930, commissioners voted to remove the statue and replace the roof. The statue laid on the ground behind the courthouse, until 1 day it disappeared, only to be placed a few days later on a hill overlooking the town. It remained